

FILED

JAN. 23 2017

IN THE UNITED STATES DISTRICT COURT
FOR THE Western DISTRICT OF Texas

CLERK, U.S. DISTRICT CLERK
WESTERN DISTRICT OF TEXAS
BY ay DEPUTY

Flores, Emily

PETITIONER

CASE NO: 2-15CR00222-001
docket #

VS.

CRIMINAL CASE NO: _____

UNITED STATES OF AMERICA

RESPONDENT

MOTION FOR MODIFICATION OF SENTENCE PURSUANT TO 18 USC §3582 (c)(2)BASED ON A RETROACTIVE AMENDMENT TO THE UNITED STATES SENTENCING GUIDELINES

COMES NOW, Petitioner Flores, Emily pro se, respectively submits the following Motion For Modification Of Sentence Pursuant To 18 USC §3582 (c)(2), based on a Retroactive Amendment to the United States Sentencing Guidelines, has been sentenced to a term of imprisonment based upon a sentencing range that has been subsequently lowered by the United States Sentencing Commission pursuant to 994 (o), thus upon motion to this Court, by the above defendant, permits departure.

Petitioner, Flores was sentenced on July 14, 2016 by the Western District Court to a federal term of imprisonment of 60 months, with a projected release date of Jan. 07, 2020.

Petitioner is currently serving her federal sentence at Bryan Federal Prison Camp, Bryan, Texas. (See Exhibit A- Judgment/Committal.)

The United States Sentencing Commission made the retroactive Amendment 782 to the Sentencing Guidelines, with intention to implement lowering of drug penalties by and for the following:

1. Federal drug trafficking offenses by two base offense levels.
2. For all types of drugs listed in the guidelines § 2D1.1.
3. Those not career offenders.

The Amendment became effective on or about November 1, 2014. Petitioner's current base offense level at her initial sentencing was 24. With the "Drugs Minus Two" reduction, the Petitioner's base offense level would be lowered to 22, and the Petitioner should be resentenced to a term of imprisonment of _____ months.

Further, in light of the Federal Sentencing framework, it is clear that when a defendant's sentence has been set aside, at/on appeal, or resentenced, the District Court should consider the evidence of the defendant's rehabilitation since his prior sentencing, and that evidence in an appropriate case, supports a downward departure from the Guideline. See *Williams v. New York* 337 US 241, 93 L. Ed. 1337 (1949), *United States v. Watts* 519 US 148, 136 L. Ed. 2d 584 (1997), *Gall v. United States* 169 L. Ed. 2d 445 (2007), *United States v. Bryson* 229 F3d 425 (2nd Circuit 2000),

In assuring deterrence, protection of the public, and rehabilitation 18 USC §3553 (a)(2)(B)-(C) and (D), there would seem no better evidence than a defendant's post-incarceration conduct. Post sentencing also critically informs a District judge's duty under §3553 (a) to impose a sentence sufficient, but not greater than necessary to comply with sentencing purposes set forth in §3553 (a)(2), not adequately taken into consideration by the Sentencing Commission. (Please see **Exhibit B- Inmate Programming, Education, and Disciplinary Data Sheet.**)

Wherefore, Flores prays this Honorable District Court consider and give appropriate weight to the Petitioner's post sentencing rehabilitation evidence, in addition to the Retroactive Amendment 782 "Drugs Minus Two" reduction.

Respectfully Submitted,

Flores, Emily

Inmate # 49291380

Federal Prison Camp

Po Box 2149

Bryan, TX 77805

Certificate Of Service

This is to certify that I have served a true and correct copy of the foregoing:

Motion For Modification Of Sentence

Pursuant To 18 USC §3582 (c)(2)

Based On A Retroactive Amendment To The

United States Sentencing Guidelines

Upon the following address(es) by placing the same in a sealed envelope, bearing sufficient postage for delivery via the United States Postal Service to:

Honorable U.S. District Judge Moses
111 E. Broadway Rm #8300
Del Rio, Texas 78840

And deposited in the postal box provided on the grounds of the Federal Prison Camp-
Bryan, Bryan, Texas 77805 on this 14th day of December, 2016

Flores, Emily Reg. No. 49291380

Federal Prison Camp- Bryan

Po Box 2149

Bryan, Tx 77805

Enidly. Hono #49291200
J.P. C. Bryan
Federal Prison Camp
P.O. Box 2149
Bryan, Texas
77805

⇔ 49291-380 ⇔

Honorable Judge Moses
Rm# 8300
111 E. Broadway St.
DEL RIO, TX 78840
United States

15 DEC 2016 PM 5 L



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